

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

ELANOR TEDONE,

Plaintiff,

Docket No. 07 CV 4111

-against-

RULE 26(a)(1)
INITIAL DISCLOSURE

H.J. HEINZ COMPANY
OWENS-ILLINOIS, INC. d/b/a
OWENS-BROCKWAY GLASS CONTAINERS
and MGM MIRAGE INC., d/b/a BORGATA
HOTEL CASINO & SPA,

Defendants.

Defendants, OWENS-ILLINOIS d/b/a OWENS-BROCKWAY GLASS CONTAINERS by their attorneys, Goldberg Segalla LLP, pursuant to Rule 26(a)(1) of the Federal Rules of the Civil Procedure, makes the following disclosures:

PRELIMINARY STATEMENT

OWENS-ILLINOIS d/b/a OWENS-BROCKWAY GLASS CONTAINERS (Herein after Owens-Illinois) makes these initial disclosures without waiving its right to: (1) object to the admissibility of any documentary or other evidence on grounds of competency, privilege, work product doctrine, undue burden, relevancy, materiality, hearsay, or any other proper grounds; (2) object to the use of any such information, for any purpose, in whole or in part, in any subsequent proceeding in this action or in any other action; (3) object on any and all grounds, at any time, to any other discovery request or proceeding involving or relating to the subject matter of these initial disclosures; and (4) oppose any discovery requests issued by defendant to any individuals named herein. Owens-Illinois further reserves its right to supplement, amend, or correct all parts of these initial disclosures and any production of documents made pursuant to same.

DISCLOSURES

A. Individuals Likely to Have Discoverable Information (Rule 26(a)(1)(A)):

1. William Kilpatrick
Product Safety Manager
Owens Brockway Glass Container Inc.
Two Michael Owens Way
Perrysburg, OH 43551-2999

Mr. Kilpatrick has knowledge of the Owens-Illinois' Product Safety Policies and Procedures during the relevant time period(s) and can establish that Defendant's Policies and Procedures meet or exceed all known governmental rules and regulations. That Owens-Illinois' Products are produced under the strictest Quality Control Guidelines.

B. Documents, Data Compilations and Tangible Things (Rule 26(a)(1)(B)):

Owens-Illinois states that at this time, to the best of its knowledge and belief, it is not in possession of any documents or tangible things responsive to this category of disclosure.

Owens-Illinois reserves the right to supplement this disclosure as discovery may reveal evidence supporting its position and defenses. Upon information and belief, Owens-Illinois may also rely upon documents, data compilations and tangible things produced to it by Co-Defendant(s) in this action.

C. Computation of Damages (Rule 26(a)(1)(C)):

Not applicable to Defendant.

D. Insurance Agreement (Rule 26(a)(1)(C)):

Owens-Illinois has a Self Insured Retention (SIR) of One Million (\$1,000,000.00) which sum will cover any and all alleged damages claimed by plaintiff herein.

E. Expert Testimony Per Rule 26(a)(1)(E):

Owens-Illinois has not yet selected any expert witness(es), but expressly reserves the right to do so in accordance with the Federal Rules of Civil Procedure and any applicable court order.

PLEASE TAKE NOTICE THAT Owens-Illinois reserves the right to supplement and/or amend its Rule 26 initial disclosures up to and including the date and time of trial.

Dated: August 1, 2007

Yours, etc.,

/S/

Brian T. Stapelton, Esq. (BS- 5640)

Frank J. Ciano, Esq. (FC-4981)

GOLDBERG SEGALLA LLP

Attorneys for Defendants

170 Hamilton Avenue, Suite 203

White Plains, New York 10601

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TO: JASNE & FLORIO
525 N. Broadway, Suite 222
White Plains, New York 10603
(914) 997-1212
Attorneys for Plaintiff

CERTIFICATE OF SERVICE

I hereby certify that on August 1, 2007, I electronically filed the foregoing Rule 7.1 Disclosure with the Clerk of the Southern District Court using its CM/ECF system, which would then electronically notify the following CM/ECF participants on this case:

JASNE & FLORIO
525 N. Broadway, Suite 222
White Plains, New York 10603
(914) 997-1212
Attorneys for Plaintiff

Dated: White Plains, New York
August 1, 2007

Yours, etc.,

/S/

Brian T. Stapelton, Esq. (BS-5640)
Frank J. Ciano, Esq. (FC-4981)
GOLDBERG SEGALLA LLP
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